

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	MM DOCKET NO. 92-111
DEAS COMMUNICATIONS, INC.)	File No. BPH-910208MB
DRAGONFLY COMMUNICATIONS, INC.)	File No. BPH-910211MA
HEALDSBURG BROADCASTING, INC.)	File No. BPH-910211MB
BECKWITH COMMUNICATIONS, INC.)	File No. BPH-910211MI
DESERT ROCK LIMITED PARTNERSHIP)	File No. BPH-910211ML
HEALDSBURG EMPIRE CORPORATION)	File No. BPH-910211MM
For Construction Permit for a)	
New FM Station on Channel 240A)	
in Healdsburg, California)	

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To: Administrative Law Judge
Edward J. Kuhlmann

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JUN 30 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MASS MEDIA BUREAU'S OPPOSITION TO
PETITION FOR LEAVE TO AMEND

1. On June 19, 1992, Healdsburg Broadcasting, Inc. ("HBI"), filed a Petition for Leave to Amend. The Mass Media Bureau submits the following opposition.

2. In its amendment, HBI seeks to address the discrepancies noted in paragraph 8 of the Hearing Designation Order, 7 FCC Rcd 3135 (1992) (HDO), and the rule violation noted in paragraph 9 of the HDO. HBI also submits the environmental assessment requested in paragraph 11 of the HDO. With regard to paragraph 8 of the HDO, HBI has now resolved the discrepancy in its HAAT which was noted in the HDO. HBI has also accurately depicted the distances to its contours.

3. With regard to paragraph 9 ~~Not of Copies rec'd~~, HBI has
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C + 6

submitted a new directional antenna proposal which indicates that there would not be a contour overlap with Station KKHI-FM, San Francisco, California. However, the directional antenna which HBI proposes to use would have a radiation pattern which would violate Section 73.316(b)(2) of the Commission's Rules. This Rule Section states, "Directional antennas that have a radiation pattern which varies more than 2 dB per 10 degrees of azimuth will not be authorized." The information provided by HBI in its "Horizontal Plane Relative Field Tabulation For Proposed Directional Antenna" (Exhibit-3, page 2), indicates that the radiation pattern which HBI proposes varies 2.145 dB between 180 degrees and 190 degrees azimuth. This information has been confirmed by the Bureau's own engineering study. Because this variation exceeds the 2 dB amount allowed by the Commission's rule, HBI's amendment is not acceptable for filing.

4. The HDO specifically states at paragraph 9, that HBI will be given "one opportunity to submit a minor curative amendment." Moreover, the HDO states that "[i]f the amendment ... for any other reason is unacceptable for filing, the amendment along with HBI's application will be dismissed." Because HBI's amendment violates the provisions of Section 73.316 of the Commission's Rules, it is not acceptable for filing and should be dismissed along with HBI's application.

5. In view of the foregoing, the Bureau opposes HBI's Petition for Leave to Amend. Moreover, the Presiding Judge should follow the directive in paragraph 9 of the HDO and dismiss HBI's application.

Respectfully submitted,
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June 30, 1992

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 30th day of June, 1992, sent by regular United States mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Opposition to Petition for Leave to Amend"** to:

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